IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4792 OF 1992

WRIT PETITION NO.4793 OF 1992

WRIT PETITION NO.4794 OF 1992

WRIT PETITION NO.4795 OF 1992

WRIT PETITION NO.4792 OF 1992

Dattaraya Tukaram Pawar
& Ors. .. Petitioners.

vs.

Sharad Dhonde Kulkarni. . .. Respondent .

Mr. A.Y. Sakhare for petitioners.
Mr. V.M. Limaye f or Respondet.
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WRIT PETITION NO.4793 OF 1992

Vithu Rama Kaingade
& Ors. .. Petitioners.

vs.

Sharad Dhonde Kulkarni. . .. Respondent .

Mr. A.Y. Sakhare for petitioners.
Mr. V.M. Limaye f or Respondet.

WRIT PETITION NO.4794 OF 1992

Shripati Hari Garude. .. Petitioner .

vs.

Sharad Dhonde Kulkarni. . .. Respondent .

Mr. A.Y. Sakhare for petitioners.

Mr. V.M. Limaye f or Respondet.

WRIT PETITION NO.4795 OF 1992

Shripati Hari Garade & Anr. .. Petitioners.

vs.

Sharad Dhonde Kulkarni. . .. Respondent .

Mr. A.Y. Sakhare for petitioners.

Mr. V.M. Limaye f or Responden.

CORAM : A.P. DESHPANDE, J.

DATE : 8th November, 2006.

P.C.

. Heard the learned counsel for the petitioners so also for the respondent.

2. Few undisputed facts that are necessary for adjudication of the dispute in all these petitions are enumerated hereinbelow.

3. The petitioners are tenants. Proceedings under Section 32 F of the Bombay Tenancy and Agricultural Lands Act, 1948 in respect of certain land situated at village Devale, Taluka Panhala were instituted at the instance of the tenants/petitioners against the landlord. The Additional Tehsildar passed an order in the year 1987 and rejected the prayer of the tenants by holding that they have failed to exercise their right to purchase the suit land in the prescribed time after the death of widow and, therefore, the purchase was declared ineffective and the land was ordered to be disposed of under Section 32G as per the procedure after the appeal period is over. The tenants preferred an appeal before the S.D.O. who remanded the matter for deciding the same on merits afresh. The respondent landlord aggrieved by the order passed by the S.D.O. preferred a revision application before the MRT. The MRT allowed the revision and set aside the order passed by S.D.O. which in turn confirmed the order passed by the Additional Tehsildar. Aggrieved by the said order passed by the MRT, the present petitions came to be filed.

4. The learned counsel for the parties have brought to my notice a judgment delivered by the learned Single Judge of this Court dated 20.9.2006

in one of the connected petitions being Writ Petition No. 4796 of 1992. The learned counsel have informed that an identical issue had cropped up for consideration in all six writ petitions and out of these six petitions two are already disposed of by dismissing the writ petitions filed by the tenants. It is undisputed that the issue involved in these writ petitions is already adjudicated by the learned Single Judge in Writ Petition No. 4796 of 1992. After extensively dealing with the scheme of the Tenancy Act and more particularly the one contained in Section 32F & 32G, the learned Single Judge has found that the petitioners/ tenants have failed to send the intimation to the landlord as is expected under the said provision within the prescribed time. In the present writ petitions as well the tenants/ petitioners have admittedly not given any intimation within the stipulated time frame.

5. For the reasons recorded in the above referred judgment dealing with connected petition wherein the respondent is the same landlord the present petitions deserve to be dismissed being devoid of any substance. The order passed by the authorities below do not call for any interference. In the result, writ petitions are dismissed. Rule in all the four petitions discharged.

(A.P. Deshpande, J.)